

MAURICE GODOY,
Plaintiff,
v.
EDMUND GERRY BROWN, et al.,
Defendants.

Case No. [18-cv-06650-HSG](#)

ORDER OF DISMISSAL

On November 11, 2018, Plaintiff filed the instant *pro se* complaint under 42 U.S.C. § 1983. Dkt. No. 1.

On January 29, 2019, the Court screened the complaint and dismissed the complaint with leave to amend because it did not comply with Rule 20 of the Federal Rules of Civil Procedure in that it alleged unrelated claims against different sets of defendants. Dkt. No. 9. In the order screening the complaint, the Court also noted the following additional deficiencies in the complaint: many of the incidents described did not give rise to constitutional claims and the complaint's allegations failed to state clearly what happened, when it happened, what each defendant did, and how these actions or inactions rose to the level of a federal constitutional claim. The Court dismissed claims arising out of events that occurred at the California Institute for Men, Mule Creek State Prison, and Substance Abuse Treatment Facility without prejudice to bringing separate actions in the federal district courts where these facilities are located. *See generally* Dkt. No. 9. Plaintiff was instructed to file an amended complaint by February 26, 2019, and informed that the failure to do so would result in the dismissal of this action without further notice. *Id.* The Court granted plaintiff multiple extensions of time to file an amended complaint. Dkt. Nos. 12, 16, 18.

1 On August 26, 2019, plaintiff filed an amended complaint. Dkt. No. 24. On November
2 26, 2019, the Court dismissed the amended complaint with leave to amend because it suffered
3 from the same deficiencies as the original complaint. Dkt. No. 28. The amended complaint again
4 violated Fed. R. Civ. P. 20 in that it alleged a wide variety of claims that were unrelated, and again
5 raised allegations that arose from events in other venues. *See generally* Dkt. No. 28. Plaintiff was
6 instructed to file a second amended complaint by December 24, 2019, and informed that the
7 failure to do so would result in the dismissal of this action without further notice. *Id.* Upon
8 receiving a notice of change of address from plaintiff on December 27, 2019, the Court *sua sponte*
9 granted plaintiff an extension of time to February 14, 2020, to file a second amended complaint.
10 Dkt. Nos. 33, 34. Plaintiff has not filed a second amended complaint and the deadline to do so has
11 since passed.¹² Accordingly, this action is DISMISSED. If plaintiff wishes to reopen this case,
12 any motion to reopen must explain why plaintiff failed to comply with the deadline for filing a
13 second amended complaint and be accompanied by a proposed second amended complaint that
14 complies with the deficiencies identified in the Court's November 26, 2019 screening order.

15 For the reasons set forth above, this action is DISMISSED. The Clerk shall close the file.

16 **IT IS SO ORDERED.**

17 Dated: 2/24/2020



18 HAYWOOD S. GILLIAM, JR.
19 United States District Judge

20
21
22
23 ¹ It appears that plaintiff's address has changed, but that he has not informed the Court of his new
24 address as required by N.D. Cal. L.R. 3-11. Mail sent to plaintiff was returned as undeliverable on
25 January 21, February 3, and February 14, 2020. *See* Dkt. Nos. 35, 36, 38. Pursuant to Local Rule
26 3-11, the Court may, without prejudice, dismiss a complaint when mail directed to the *pro se* party
27 by the Court has been returned to the Court as not deliverable; and the Court fails to receive within
28 sixty (60) days of this return a written communication from the *pro se* party indicating a current
29 address.

30 ² Since the Court's November 26, 2019 screening order, plaintiff has filed the following pleadings
31 in this action: (1) an ex parte motion for an immediate and permanent or temporary order for
32 injunction and a motion for appointment of counsel; (2) a December 12, 2019 notice of appeal to
33 the Ninth Circuit; and (3) a February 7, 2020 notice of appeal to the Ninth Circuit. *See* Dkt. Nos.
34 29, 30, 37.